

HAMPTON PLANNING BOARD
MINUTES
July 18, 2007– 7:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Tom Higgins
Bill Faulkner, Alternate
Donna Mercer, Alternate
James Steffen, Town Planner

ABSENT: Tom Gillick

Chairman Emerick began the meeting at 7:00 p.m. by introducing the Board members and leading the Pledge of Allegiance to the flag.

I. PUBLIC INPUT SESSION - Beach Zoning

John Christiansen, 12 Epping Avenue: Concerned about the differences in the zoning district. Allowing higher buildings around residential areas will over shadow the smaller buildings. Verona Beach, Florida issues of unfair zoning. Parking issues on street. Stacked parking is unsafe, a lot of police reports for accidents. The new changes to parking have an adverse impact on the Mom and Pop parking. One parking space for one unit. Need to maintain the existing uses; rentals, seasonal homes and small parking lots. 15 units qualify for RA district. Need to be specific on what the Boards intention is on the zoning. Changing a zone creates an impact that is unknown on the area that is rezoned.

Tom Higgins stated that rentals could stack, not new condos or condo conversions. Rental units are grand fathered. With any zoning changes you need to protect the existing uses.

Mike Scanlon, 4 J Street: Spoke about Portland Maine and its parking garage – 700 parking spaces. Cash flow cannot pay the debt service. Spaces being taken away are killing the businesses. Parking is critical. New fire station will eat up the parking on that lot. Parking needs to be addresses. Master Plan stated 400 spaces are being lost on the beach.

Andrew Guthrie, 10 Boston Avenue: Lives in Island section. Is told that he has to build a Mc Mansion to replace his lost buildings due to the fire because of the zoning requirements. If you have fire or storm damage the person should be allowed to build what they had there - the old New England cottage development. Deed restrictions are too inhibiting. Parking – lost a lot of parking due to the infrastructure improvements. The Town is making it difficult to preserve the areas.

John Gebhart, 4 Bailey Ave: For the proposed zoning areas - do not break it up into different sections. 85 ft does not create the village district as expressed in the master plan. It will not maintain the village idea. Summer rental to year round use. Suggestion of less then 330 sq. ft.

per sleeping space. Can't cram a large amount of people in a small rental place. The units that are seasonal rental should have limits on power service to limit the use of the unit. Enforcement is hard.

Linda Gebhart, 4 Bailey Ave: Condo Hotel - no enforcement of what is prohibited under this arrangement. An 85 ft height allowance was discussed. Three stories need an elevator, you can build it but no one will come without an elevator. Learn from the past. Storm surge and the influence of new condos, the more built will increase storm surge. 85% coverage of surface is too much. Do not go higher than 65ft. Master Plan identifies landscaping- trying to green up Hampton Beach. Curb cut and sidewalks should encourage green space.

Geannina Guzman-Scanlon, 4 J Street: Zoning is something she is trying to understand and this is an excellent start. Take a broader view not reactive. Want to see the big picture. Want development but want to preserve rich history. Supports cottage communities. Entice more people to the beach. Parking is hard to find for rental units. Are the proposed setbacks for large projects enough? Go back to the Master Plan to look for setback guidance. Height issue. Moderate at 50 ft but does not allow for parking underneath. Eliminating the seasonal aspect of the beach. A lot of thinking needs to be done. Density, parking - what are the trade offs. The beach is a big resource and we need to plan what is best for the area.

Randy Radkay, Developer at the North Beach: Has never gone to be main beach. Article 8 is a stupid hurdle. Forcing people to go to ZBA. Hardship and lots of energy and makes the developer do less than they would have done. Unreasonable requirement of parking on site. Aquarium is a ludicrous idea. Does not put people in the other businesses. The Casino Ballroom will bring the people with their upgrades. Look to the Ballroom as the flagship and look also to the Salisbury Beach because the Fanuiel Hall developer is moving that area forward. Special zoning areas are unfair and unjust and not keeping with intent of Master Plan.

Andrew Guthrie – cut off the commercial zoning at N Street. Questioned the 330 sq. ft. of sleeping area. Parking on site is mandatory.

Jamie Steffen explained what is meant by the 330 sq. ft. of sleeping areas for motel/hotels.

The open forum was closed and is continued to the September 19 meeting.

II. ATTENDING TO BE HEARD

- Casassa & Ryan for “McDonald’s” – 663 Lafayette Road
Requesting permission to install two-way intercom system under approved Amended Site Plan for Silent Order Station of 06/20/01 Conditional Approval

Pete Saari explained history of the project- it is not corporate. Historically, the Planning Board felt that the speaker system would bother people in the neighborhood. McDonald’s was Hampton’s first drive through. The letter explains the situation as it is currently being experienced. The order taker is unaware of what is happening upfront and this creates problems for the order taker and the customer. He is questioning how they should proceed with this issue.

Tom Higgins has concerns about the abutter and the effect on them. The abutter Haskin should be informed and asked if he would approve this. The Board has approved other speaker systems such as Jumping Jacks.

Bob Viviano and Keith Lessard spoke about Burger King's system.

Keith Lessard mentioned the condition of approval was to maintain two windows, and currently they are not maintaining the two.

Tracy Emerick mentioned that the neighbor the Planning Board was concerned about is not longer around.

III. CONTINUED PUBLIC HEARINGS – POSTPONEMENTS

- 7-24) Tom Morganstern
2-unit Condominium Conversion at
18-20 Cutler Avenue
Map 265 Lot 44
Waiver from Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Thomas Morganstern

MOVED By Mr. Viviano that the application be continued to the August 15, 2007 meeting of the Planning Board.

SECOND By Mr. Faulkner

VOTE: 5-0-0

MOTION PASSED

- 7-54) William Nyhan
Special Permit to Impact Wetlands Conservation District to construct single family home at
3 Gale Road
Map 23 Lot 4-1
Owner of Record: William Nyhan

MOVED By Mr. Viviano that the application be continued to the August 1, 2007 meeting of the Planning Board.

SECOND By Mr. Faulkner

VOTE: 5-0-0

MOTION PASSED

IV. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 7-59) Kimberly Martin-Nadeau
Special Permit to Impact Wetlands Conservation District to repair sea wall at
1062 Ocean Boulevard
Map 98 Lot 34
Owner of Record: Kimberly Martin-Nadeau & Dorothy E Hobbs QPRT

BOARD

The Board will hear all four applications as one project, but will vote separately on each application.

- 7-59) Kimberly Martin-Nadeau
- 7-60) Richard Phillips
- 7-61) Robert J Carroll
- 7-62) Susan B Moran

Arthur Nadeau represented applicant Kim Nadeau and the other three applicants.

He explained that the main project is to replace seawall on the properties. Reference the Stockton “storm reparation plan” and that explains the project in more detail. Emergency repair to Phillips started the process.

Town owns part of the sea wall. In 1987 all land was leased. 50 feet wide lots and some have two homes.

Arthur Nadeau went through each sheet and explained what each showed.

C.1.1 drawing

C.1.2 drawing shows cross section of sea wall. Sub surface soils mitigated this design. The footing design is due to the forest remains and the very poor clay in the area.

Keith Lessard asked if the plans were revisions.

Limit of area where the material will be store – no longer then a month. Will place material in driveways as necessary. Backfill has recycled asphalt in it. Will remove that material and then put non- pervious material in the seawall.

Keith Lessard would like it more back ten feet to allow for pedestrian access as requested by the Conservation Commission.

Will not revise plans until all agencies have their say. Went through each drawing. Identified areas on the drawings that will receive revisions.

BOARD

Tom Higgins stated that the wall matches the wall to the north and not the riprap of the south.

Kim Nadeau stated that four of the properties never had rip pap. 1060 never fell. And that this is a different design, and plan.

Arthur Nadeau discussed the beach access- by way of a construction ramp. Sand elevations affect the high tide line. There is more sand on the beach now then in May. Shared temporary stairs.

Tom Higgins stated that the applicant needs permission from the Board of Selectmen to put the temporary stairs. They need to go back and get that permission.

Arthur Nadeau doesn't mind playing by the rules- but they are constantly changing - what are the rules.

Tom Higgins referenced the letter from the Town Manager. The Town Manager is not apart of the approval process. He asked when removing the temporary sea wall, what is holding back the fill? Won't they undermine the abutting properties? Steel sheeting is in place. Butress in the wall.

Keith Lessard question why the buttress is not shown. It is shown on Stockton Plan.

Tom Higgins - The Board is only approving the repair of the seawall and not approving a patio, which is also concrete. The patio should be permeable as well as permit-able. The patio is a separate issue from the seawall and should be placed on their property and not on Town property. As it is on Town property now, up to 3 feet in spots. If the patios were to be on Town property then the patios would also need Selectmen's approval. In addition, the Conservation Commission may want plantings in these areas.

Arthur Nadeau stated that the surveyor would place the iron pins after the seawall is build.

PUBLIC - No comment

MOVED By Mr. Viviano to grant the SP to rebuild the seawall and support CC dated letter June 30, 2007. Bottom weep holes are allowed but not top drains. No patios, deck and stairs are approved. Stipulation of needing a building permit.

SECOND By Mr. Lessard.

VOTE: 5-0-0

MOTION PASSED

- 7-61) Richard Phillips
Special Permit to Impact Wetlands Conservation District to repair sea wall at
1060 Ocean Boulevard
Map 98 Lot 37
Owner of Record: Richard Phillips NH LLC

MOVED By Mr. Viviano to grant the SP to rebuild the seawall and support CC dated letter June 30, 2007. Bottom weep holes are allowed but not top drains. No patios, deck and stairs are approved. Stipulation of needing a building permit.

SECOND By Mr. Lessard.

VOTE: 5-0-0

MOTION PASSED

- 7-62) Robert J Carroll
Special Permit to Impact Wetlands Conservation District to repair sea wall at
1064 Ocean Boulevard

Map 98 Lot 30
Owner of Record: Robert J Carroll

MOVED By Mr. Viviano to grant the SP to rebuild the seawall and support CC dated letter June 30, 2007. Bottom weep holes are allowed but not top drains. No patios, deck and stairs are approved. Stipulation of needing a building permit.

SECOND By Mr. Lessard.

VOTE: 5-0-0

MOTION PASSED

7-62) Susan B Moran
Special Permit to Impact Wetlands Conservation District to repair sea wall at
1066 Ocean Boulevard
Map 98 Lot 24
Owner of Record: Susan B Moran

MOVED By Mr. Viviano to grant the SP to rebuild the seawall and support CC dated letter June 30, 2007. Bottom weep holes are allowed but not top drains. No patios, deck and stairs are approved. Stipulation of needing a building permit.

SECOND By Mr. Lessard.

VOTE: 5-0-0

MOTION PASSED

7-63) Hampton Harbor Marina LLC
Special Permit to Impact Wetlands Conservation District to repair sea wall
and riprap at
55 Harbor Road
Map 295 Lot 1
Owner of Record: Hampton River Marina LLC

MOVED By Mr. Viviano to continue this to August 1, 2007 due to inadequate abutter notice.

SECOND By Mr. Faulkner

VOTE: 5-0-0

MOTION PASSED

7-64) Bernard Christopher
9 Lot Subdivision at
87 Barbour Road
Map 91/92 Lot 4-1/5
Owner of Record: Arthur Brown

Henry Boyd Jr. from Millennium Engineering represented the applicant. He explained the proposed 9-lot subdivision named Sherburne Drive. He is requesting the selectmen's approval for the name. It is located approximately 400 ft from Mill Road. The lots comply with zoning / Aquifer Protection District requirements of 20,000 sq. ft. The proposed road is 700 ft long and a retention pond and associated drainage easement will serve the entire road.

The site is currently an open field with a small area of forest in the rear. They will have wet land scientist verify if any wetlands are present. They are combining two lots to form one property to

accommodate the nine lots. Cultec units are proposed on the individual lots to handle the run off. Middle of the field is a depression. The soils of the site are perfect for drainage. They understand that the plan will go out for review but are looking for landscape screening input for around the drainage easement.

BOARD

Tracy Emerick asked who would own the drainage area – Henry Boyd said the Town.

Keith Lessard and Jamie Steffen responded that the Town would not, however the Town will maintain it through an easement if necessary, but will not own it. Maintenance fees would be back charged to the homeowner association or the property owner.

Henry Boyd stated he would model the easement after the Baron Estates project on Exeter Road.

Keith Lessard asked about a traffic study and the issues of egress and passing safety.

Tom Higgins was concerned about the headlights shining on property across the street.

Jamie Steffen discussed the issues of streetlights and landscaping. A landscaping and an open space plan needs to be submitted. Is there any consideration for trees in the front yards or along the street.

Keith Lessard suggested a light at the intersection and at the end of cul de sac. Property owners need to be informed that the conservation land is used by the public and they the public will enter their properties.

Henry Boyd will try to incorporate the above suggestions.

PUBLIC - No comment

MOVED By Mr. Lessard to send the plan out for department, utilities & engineering review with out accepting jurisdiction. Continued to September 5, 2007 meeting.

SECOND By Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-65) Beverly McClellan
3 Unit Condominium Conversions at
14-16 Island Path
Map 282 Lot 22
Waiver Requested from the Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Beverly McClellan

Peter Saari represented this applicant, and explained the project to the Board.

BOARD

Discussed access for parking and egress from a car for the first parking space. Curb cuts and deeded parking space with delineated lines.

Mr. Higgins questioned the number of legal units? Three.

PUBLIC - No comment

MOVED By Mr. Lessard to grant waiver from Subdivision Regulations. Vote was 5-0-0 on first motion. He also moved to grant condominium conversion with conditions of Town Planner's letter of July 17, 2007.

SECOND By Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-66) Lee Houghton-Davis
Special Permit to Impact Wetlands Conservation District to construct single family home at
22 Meadow Pond Road
Map 168 Lot 9
Owner of Record: Lee Houghton-Davis

Gerrit Crabbendam represented Mr. Houghton-Davis. He explained the proposal and he stated he is aware that a demolition permit is required.

Tom Higgins noted that a ZBA member has asked whether a variance is needed for construction of the new home in a wetland buffer. Planner Steffen noted that as long as the building is replaced on the same footprint a variance is not needed.

BOARD

Keith Lessard questioned the abandoned sewer line and asked if the DPW had been approached about the work that was proposed. Mr. Crabbendam will contact DPW regarding it.

PUBLIC - No comment.

MOVED By Mr. Keith Lessard to grant the SP with condition that Mr. Davis complies with Conservation Commission's letter dated June 30, 2007.

SECOND By Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-67) Aquarion Water Department
Site Plan Review of construction of new 1.0 million water storage tank at
Mill Road
Map 145 Lot 18

Waiver Requested from the Site Plan Review Regulations Section V.III.D (Storm Drainage)
Owner of Record: Aquarion Water Company

Jenna Raisor, representative for Tata and Howard.

Ms. Raisor gave a description of what Aquarion Water Department plans to do with respect to replacing the water tank. The whole volume of the tank is filled with water. The new tank will have a larger diameter and is in keeping with the same height of the old tank.

BOARD

Bob Viviano asked if there was chance that the tank could spring a leak.

Jenna Raisor responded that that doesn't happen.

Tom Higgins asked if they removed the old tank first, and will it affect service. He also asked about the down time for the tank.

Jenna Raisor replied that there is a three-month construction window and the Exeter Street tank will take on the service during the downtime so there will be no loss of pressure. The Exeter tank controls the pressure of the water in Town.

Tom Higgins asked about the Public Way and who uses it for access.

Jenna Raisor stated that the public way serves a home on the adjacent property that abuts the back of the property.

Fran McMahon questioned the ownership of the antenna.

Jenna Raisor stated that the Police and Fire do, and they are working with Town to put additional antennas on the tower.

Jenna Raisor stated that the plans will show the staging area and will stipulate that the trees in front are to be saved.

Jenna Raisor explained that there would be a booster pump/emergency back up generator that will be fed by natural gas from the street, in the event the tower experienced a power outage.

PUBLIC

Diane King directly abuts the tank, and would like to know if it will stay in the same location and what trees are going to be taken down. She is concerned that the removal of trees will lessen the visual screening she had now.

Debbie Surrett lives across the street from the tower, and is concern if there is any removal of trees as they currently block her view. She would like to see more visual blocking if it can be done.

BOARD

Tracy Emerick requested that a stand of evergreens be placed on the side of the fencing to shield Ms. Surrett from the view of the tank.

Keith Lessard stated that the Planning Board are the stewards of public safety.

MOVED By Mr. Lessard to grant the waiver from the Subdivision Regulations. **Vote was 5-0-0 on first motion.** He also moved to approve the site plan with the following conditions: The trees on Mill Road are to remain, assuming that they all have been indicated on the plan; a screen of evergreens shall be planted outside the fence and the fence shall be slatted.

SECOND By Mr. McMahon

VOTE: 5-0-0

MOTION PASSED

7-68) North Beach Investments
Amended Site Plan Review of Six (6) Condominium Tourist Cabins at
76 Kings Highway
Map 196 Lot 25
Waiver Requested from the Site Plan Review Regulations Section V.E (Detailed Plan)
Owner of Record: Raymond & Marie Gordon Estate

Randy Radkay represented North Beach Investments LLC.

He gave a brief overview of the changes - a Voluntary Lot Merger, which must be stipulated in the approval of the plan and not binding on the owner of the property if plan is not approved is included. When they buy from the Gordon's, they will merge the two lots.

There has been added a six-foot curbing to the driveway to allow for ADA access.

He stated in addressing the concern of future development. The lot will increase in size from 10,000 sq. ft to 166,997 sq. ft. The open space (wetlands) will be part of condominium association and the condominium tourist cabins will not be allowed to expand (increase of units) as reflected in their deed.

BOARD

Fran McMahon questioned the calculations of built environment. He asked if they could come back to increase density.

Randy Radkay stated that the condo documents will reference that there will be no increase in the units.

PUBLIC

Jeff Merrill spoke and noted that he objects to proposed parking layout. He indicated that it is identical to last plan. He explained that it does not conform to the Subdivision Regulations Section 7.1, which has a 400 ft sight distance requirement. He also indicated that it does not comply with the driveway regulations of the Town and DOT.

Randy Radkay question Mr. Merrill statements and asked him to prove when the Town had adopted driveway standards and where they are in the ordinances. Mr. Merrill stated that the standards are in Section 4.D.g

Mr. Emerick stated that this was not a court of law and to desist in their debate.

Jamie Steffen read his memo, which stated the same conditions of the last approval.

BOARD - No comment.

MOVED By Mr. Higgins approved the amended Site Plan as submitted but rescind the stipulation that vehicles need to back into the parking spaces from June through September.

SECOND By Mr. Viviano

VOTE: 4-1-0 Mr. McMahon opposed. **MOTION PASSED**

V. CONSIDERATION OF MINUTES of June 20, 2007

MOVED By Mr. Higgins to accept the minutes as amended

SECOND By Mr. McMahon

VOTE: 4-0-1 **MOTION PASSED**

VI. CORRESPONDENCE

Correspondence was covered under Other Business.

VII. OTHER BUSINESS

- Casassa & Ryan for “Rademo Realty Trust” – 7A Merrill Industrial Drive Requesting Wavier from § III.G.2 of the Site Plan Regulations and to grant an extension to the Conditional Approval for 7A Merrill Industrial Drive of April 19, 2006.

MOVED By Mr. Higgins to granted the waiver from § III.G.2 of the Site Plan Regulations and secondly to grant the extension to the Conditional Approval for 7A Merrill Industrial Drive of April 19, 2006 to April 19, 2007 which will expire April 8, 2008, with the removal of the dumpster.

SECOND By Mr. Faulkner

VOTE: 5-0-0 **MOTION PASSED**

A letter from the Town Manager on Driveway Regulations. Discussion ensued regarding the proposed regulations and the process. The Board directed the Planning Office to work on draft regulations and return with a revised version for the September 19, 2007 meeting.

Jamie Steffen also noted another letter from the Town Manager regarding open space and recreation considerations for new subdivisions. The Planning Office will distribute the letter to the Board for consideration at the next meeting.

Meeting adjourned at 10:17 p.m.

Respectfully Submitted,
Kristina G. Ostman
Planning Coordinator